

Chapter 90.58 RCW
Shoreline Management Act of 1971

RCW 90.58.100

Duties When Preparing Programs

(2) The master programs shall include, when appropriate, the following:

(b) A public access element making provision for public access to publicly owned areas;

Chapter 173-26 WAC

Part III Guidelines

WAC 173-26-221 General Master Program Provisions

➤ (4) Pubic Access

(a) Applicability

- Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

(b) Principles

- (i) Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.

(c) Planning Process to Address Public Access

- Local governments should plan for an integrated shoreline area public access system that identifies specific public needs and opportunities to provide public access.

(d) Standards

- (i) Based on the public access planning described in (c) of this subsection, establish policies and regulations that protect and enhance both physical and visual public access. The master program shall address public access on public lands.

(d) Standards (continued)

- (ii) Require that shoreline development by public entities, including local governments, port districts, state agencies, and public utility districts, include public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

(d) Standards (continued)

- (iii) Provide standards for the dedication and improvement of public access in developments for nonwater-dependent uses and for the subdivision of land into more than four parcels. In these cases, public access should be required except:

(d) Standards (continued)

- (A) Where the local government provides more effective public access through a public access planning process described in WAC 173-26-221 (4)(c).

(d) Standards (continued)

- (B) Where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable.